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| ARTHUR JACKSON III | : | UNITED STATES DISTRICT |
| | : | COURT FOR THE EASTERN |
| vs. | : | DISTRICT OF PENNSYLVANIA |
| | : | |
| DELAWARE COUNTY PRISON, ET AL | : | CIVIL ACTION NO. 02-3230 |
| | : | |
| | : | JURY TRIAL DEMANDED |

ORDER

AND NOW, this _____ of _____, 2004, upon consideration of Plaintiff's Motion to compel defendant to comply with the Court's Order to pay for depositions held at Delaware County Prison, and any response thereto, it is hereby ORDERED and DECREED that plaintiff's motion is GRANTED.

BY THE COURT:

Honorable Michael M. Baylson
United States District Judge

LAW OFFICES OF WILLIAM C. REIL
BY: William C. Reil, Esquire
Identification No. 26833
210 Robinson Building
42 South 15th Street
Philadelphia, PA 19102
(215) 564-1635

ATTORNEY FOR PLAINTIFF

ARTHUR JACKSON III

vs.

DELAWARE COUNTY PRISON, ET AL

: UNITED STATES DISTRICT
: COURT FOR THE EASTERN
: DISTRICT OF PENNSYLVANIA
:
: CIVIL ACTION NO. 02-3230
:
: JURY TRIAL DEMANDED

NOTICE OF MOTION

TO: Kathleen Mahoney, Esquire
DiOrio & Sereni, LLP
Front & Plum Streets
P.O. Box 1789
Media, PA 19063

Dennis Herbert, Esquire
Kelly, McLaughlin
620 W. Germantown Pike
Suite 350
Plymouth Meeting, PA 19462

PLEASE BE ADVISED that the Plaintiff's Motion to Compel defendant to comply with the Court's Order to pay depositions held in Delaware County Prison for docketing on 3/29/04, and copies mailed thereafter to all counsel of record. After docketing, you have fourteen (14) days to file a responsive pleading or the matter will be taken as uncontested.

Dated: _____

William C. Reil
Attorney for Plaintiff

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**PLAINTIFF'S MOTION TO COMPEL DEFENDANT TO COMPLY WITH THE
COURT'S ORDER TO PAY FOR DEPOSITIONS HELD IN DELAWARE
COUNTY PRISON**

Plaintiff, by his undersigned counsel, requests the Court to enter an Order compelling defendants to comply with the Court's Order for payment of certain depositions, and in support thereof, it is averred as follows:

1. Court entered an Order on December 7, 2003 clearly indicating that defendants are to pay for "**court reporter's costs and transcripts**" for five depositions noticed by plaintiff of current employees of defendant, which defendants wanted to be conducted at Delaware County Prison. A true and correct copy of the Court's Order is attached and incorporated as exhibit "A."
2. Plaintiff has requested defendants orally and in writing on several occasions to pay for these depositions, and no payment has been made to the best knowledge and information of undersigned counsel.
3. Defendants hired and supplied the Court reporter for all depositions at the Prison.
4. Defendants have apparently taken the position that the Court's Order to pay for depositions and transcripts means that they are to pay the appearance fees only for depositions and not transcripts, as indicated in the letter of Dennis P. Herbert, Esquire, dated February 27, 2004, attached and incorporated as exhibit "B."
5. Plaintiff has received bills for these depositions, but no evidence that defendants have paid for them as ordered by the Court.
6. Defendants are in violation of the Court's Order.

WHEREFORE, plaintiff requests the Court to enter an Order requiring defendant to comply with the Court's Order on payments for depositions and to award attorney's fees and costs for the preparation of this motion.

Respectfully submitted,

William C. Reil
Attorney for Plaintiff